

CITY OF GREENVILLE

POLICY NO: HR-38

DATE: APRIL 29, 2009

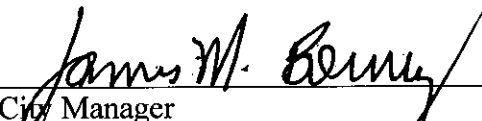
SUBJECT: Reduction in Force (RIF) Policy

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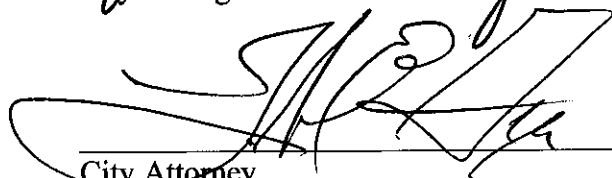
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APPROVALS:



City Manager



City Attorney



Human Resources Director

I. Purpose

The purpose of this policy is to establish the process for implementation of a reduction in force (RIF). A RIF may become necessary because of lack of work, lack of funds, a decrease in the need of services of a position, a repriorization of service needs, outsourcing or privatization, or a material change in duties. A RIF decision can also occur when the duties assigned to a position change significantly so that an employee is no longer able to perform the required duties. The City retains the right to make RIF decisions in a fair and equitable manner consistent with this policy.

II. Applicability

This policy applies to all permanent full-time and part-time employees of the City of Greenville. The principles of this policy are not required to apply to probationary employees, temporary employees, temporary grant employees, and time-limited project employees, who by the nature of their positions are presumed to be the first subject to RIF action. If the fair and efficient operations of the City require, the City Manager may exempt one or more of these positions from automatic layoff when a RIF occurs. A RIF must be approved in advance by the City Manager and Human Resources.

III. Definitions

- **Acceptable Performance Record:** In the event that economic or operational factors require the City to eliminate jobs, the City is committed to retaining, to the extent feasible, those employees who have established acceptable performance records and qualifications. An employee who is given preference for retention must have under the current or latest performance evaluation an overall rating of three (3) Meets Expectations or above) and no current corrective disciplinary actions to qualify as an acceptable performance record. Among qualifying employees, those with the most exemplary performance record will be given preference when considering a RIF.
- **Affected Employee:** An employee who is affected by a RIF.
- **Classified Positions.** All full or part-time City positions governed by the City's category of positions and pay scales.
- **Comparable Pay:** Pay that is no more than a 10 percent reduction in current base salary.
- **Comparable Position:** A position is comparable if there is no more than a 10 percent reduction in current base salary. This is the primary consideration, which will determine whether a position is comparable. Secondary considerations which will not define comparability will be other factors in placing an affected employee. The affected employee will be matched with the closest vacant position to the eliminated position for which the employee meets minimum qualifications.
- **Layoff:** A loss of employment due to a RIF implementation. A layoff can be either temporary or permanent.

- **Notification Period:** The period of time (thirty (30) consecutive calendar days) given to an affected employee by the Department Director, or the Human Resource Director, wherein the employee is notified that his or her position will be eliminated. During the 30 days, the employee will either continue working in his or her position on regular payroll, be relieved of job duties, while remaining on the City's payroll, to allow the employee to identify and pursue other employment opportunities, or a combination of the above.
- **Placement:** The assignment of an employee to a position within his or her department or another department in the same pay grade, or to a position in a lower pay grade. During the time between notification of layoff and the end of the 30 day notification period, the Department Director in coordination with the Human Resources Director, shall identify any internal placement options for the Department Director's affected employees. Once the department has identified all of the employees eligible for placement, an attempt must be made in coordination with Human Resources to place the employees by seniority and performance record to any valid vacancies for which they possess the requisite qualifications, first within their respective departments, and then city-wide in their current or lower pay grade.
- **Qualified Referral:** A qualified referral is an affected employee who meets the minimum qualifications for a vacant position and has an acceptable performance record.
- **Recall:** An employee who left the City due to a RIF can be offered a funded position, of equal or lower classification for which he or she is qualified, that becomes available within a year and is within the department from which he or she was laid off, provided the employee has the requisite qualifications for the vacant position. RIF employees rehired by the City within one (1) year following the necessary layoff will retain all benefit eligibility accrued during the prior service period, and continuous service dates will remain the same as those prior to layoff. For cause, the City Manager may extend the one year period for all laid off employees.
- **Reassignment:** When a comparable position is vacant within a department impacted by a RIF, an affected employee who is a qualified referral for the valid vacancy will be offered the opportunity for reassignment to the vacancy based on the following criteria: 1) current/latest performance evaluation must have an overall rating of three (3) Meets Expectations or above and have no current corrective actions; 2) meets minimum qualifications for the position; 3) is the most senior employee qualified for the position; and, 4) currently works in the same department. Once the affected employee has been informed of his or her opportunity for reassignment, he or she has three (3) consecutive workdays (Monday through Friday) to decide whether or not to accept the position. If the affected employee declines the reassignment offer, the layoff provisions outlined in this policy will be implemented and the department may or may not offer the vacancy to another affected employee, as it chooses. If the affected employee accepts the reassignment offer, he or she will meet with the new supervisor to identify a transition plan.
- **Redeployment:** Placing an employee into another comparable position in another City department within the 30 day notification period. Redeployment is not an opportunity for

promotion or a guarantee of shift, working hours, or additional premium pay. When possible, the City will first try to redeploy an affected employee into a comparable position in which he or she meets the minimum requirements. If redeployment is not possible, the layoff provisions outlined in this policy will be implemented.

- **Reduction in Force or RIF:** Is the reduction in the total number of employees in the City's work force for the reasons described in Section I, "Purpose," above and resulting in the layoff of one or more City employees.
- **Seniority:** One of the criteria used by the City to determine which employees will be impacted by a RIF. For the purposes of this policy, seniority shall mean the length of continuous, uninterrupted services. A tie in seniority shall be broken in the following order: 1) time in position and 2) total length of service with the City. Seniority shall be lost when an employee resigns, retires, is discharged for cause, or otherwise leaves employment with the City.
- **Valid Vacancy:** A vacant classified position that is fully-funded and has been approved by the City Manager to be filled. Valid vacancies can be filled by external candidates after the City has determined that no employees affected by the RIF based layoff are eligible for or interested in the position.

IV. Policy

When the City determines there is a need for a RIF, such reduction will be based on operational impact. In selecting positions to be eliminated, emphasis shall be placed upon departmental needs in carrying out assigned public services that will result in a minimum impact on service delivery. A RIF may require the separation, involuntary demotion, reassignment, redeployment, or reduction in work hours of the City's employees.

Departmental reorganizations in which responsibilities, duties, and/or lines of authority are changed for more effective operation are not covered by the RIF procedures outlined in this policy.

The City will employ various alternatives, if feasible, before reaching a RIF decision. These alternatives may include: use of vacant positions, implementation of a hiring freeze, limiting purchases of items/services and business travel and expenditures, and considering work schedule alternatives. Whenever possible, affected employees will be considered for reassignment or redeployment.

The determination as to the retention or separation of a permanent employee shall include an evaluation of the relative skills, performance record of the employee, the services needed to maintain continuing programs, type of position, time in position, length of service, and actual and/or potential adverse impact on protected groups. It may also consider whether the duties of the position could be carried out on a temporary basis by other persons in the organization performing some or all of the duties. In making such evaluations, it may be necessary to give some of the above factors (such as time in position and /or length of service) more weight than other considerations if proper documentation (annual employee evaluations, salary increases,

recommendations and disciplinary action) does not exist. However, seniority shall not take precedence over the needs of the City to retain the most valuable employees among those employees potentially subject to a RIF, and the City shall always have the right to retain those employees who are most valuable to the organization, even if such employee(s) do not have the greatest seniority.

Eligible employees not placed by the effective date of the RIF may have the option of remaining on the City's Recall List for a period of 12-months.

V. Procedures

A RIF decision requires a thorough evaluation of the need for particular position(s) and the relative value of specific employees to the organization so that the City can provide the highest level of service possible with a reduced work force. In making RIF decisions, Department Directors shall use the following guidelines to develop a RIF plan (See Exhibit A) for approval by the City Manager and the Human Resources Director:

A. Identifying Employees for Layoff in the Event of a RIF

If conditions require a RIF, each department considering the layoff of permanent employees must at a minimum incorporate into the determination the following factors:

- Which positions are most vital to the department in the delivery of services and programs;
- Which positions the department plans to eliminate, including the number of positions, position titles and pay grade;
- Performance record and any corrective disciplinary actions of the affected employees;
- Time in position of the affected employees;
- Length of continuous service of affected employees (Length of continuous service may become a differentiating factor, particularly where other criteria are substantially equal.); and
- Identification of any equal employment factors to avoid adverse impact.
- The capacity of the duties of the position to be carried out in whole or part by one or more other employees.

B. Layoff Sequence

After identifying the positions to be eliminated, the Department Heads must select employees for layoff in a given position according to the following sequence:

1. Temporary employees in the same or related classifications must be terminated before any employee with a probationary or permanent appointment, provided that a probationary or permanent employee can perform the temporary employee's tasks.
2. Employees with probationary appointments as well as trainees with less than six months' service shall be terminated before any employee in the same or a related classification with a permanent appointment, provided that the permanent employee can perform the tasks of the probationary employee or trainee.
3. The least senior through the most senior permanent part-time affected employee.
4. The least senior through the most senior permanent full-time affected employee, subject to the terms of Section IV "Policy", above.
5. In those cases where program funding is lost and the skills of that program's employees cannot be used in other areas of the City, management will have limited flexibility in selecting the employee(s) for layoff; however, decisions concerning a RIF must be examined to insure they do not disproportionately displace females and minorities where such persons are or will be underrepresented in their respective job categories in the workforce. In the event the City finds that a specific protected group will be adversely affected, job sharing or reassignments shall be considered as options to layoffs.
6. Once the Department Director has determined that there will be a layoff in a specific program area, the supervisor(s) of that area shall be responsible for ranking the permanent employees to be laid off in accordance with the above factors.

C. Layoff of Employees on Leave of Absence

Employees on leave of absence will be subject to a RIF procedure as it applies to their position just as it would have applied to their position had they remained on full-duty-status:

1. Military Leave: Employees on Military Leave at the time a position is deleted will be subject to the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994.
2. Workers' Compensation: Employees receiving Workers' Compensation benefits can be notified of layoff and are thus subject to this policy.
3. Family Medical Leave Act (FMLA): Employees who are on FMLA are considered active employees for a RIF implementation and shall be treated as if they are in their positions. If their positions are to be abolished and they are otherwise qualified to be re-assigned or rehired as outlined herein, they must be provided placement options and the appropriate benefits. Generally, in the absence of a RIF or position elimination, an employee on FMLA (other than a key employee who received the appropriate notification) must be reinstated to the same or an equivalent position at the conclusion of his or her FMLA leave. In

accordance with applicable FMLA regulations, when an employee's position is eliminated, and the position would have been eliminated regardless FMLA leave status, then the employee need not be restored to the same or an equivalent position at the conclusion of FMLA Leave. The City's obligation to continue FMLA leave, maintain group health benefits, and restore the employee cease when the employee is laid off, provided the City has no continuing obligation under a separate agreement.

If their positions are not being abolished, then their positions, although vacant, may not be used as placement options for other employees impacted by layoff.

D. Placement of Affected Employees

Prior to the effective date of the RIF, the Department Directors shall identify all affected employees qualifying for placement. Department Directors will be required to fill a valid vacancy with an affected employee at the same grade level or below the grade level of the position that the employee currently holds if the employee meets the qualifications of the position, has seniority, has an acceptable performance record, and satisfies the purposes of Section IV. "Policy" above.

If more than one employee meets the criteria, the position will be offered to the employee with the most seniority and acceptable performance record. A tie in seniority and acceptable performance record shall be broken in the following order: 1) time in position and 2) total years of service with the City.. Seniority shall be lost when an employee resigns, retires, is discharged for cause, or otherwise leaves employment with the City.

Once the most senior, qualified, affected employee has been informed of the opportunity to fill a valid vacant position, he/she has three (3) working days (Monday through Friday) to decide whether to accept the position or not. If the affected employee does not accept the employment opportunity, the employee will be laid off in accordance with this policy. The open position will then be offered to the next most senior, qualified, affected employee.

If no vacancies exist in the same classification, the employee may be considered for a demotion to a similar position in the same City Department. If there is an open position in another City department, and the affected employee meets the minimum job qualifications of the position, the employee is considered a qualified referral and can be referred to another City Department for consideration. The hiring manager in the other department is encouraged to give preferentially consideration to affected employees for vacancies for which they are qualified.

Promotional opportunities are defined as positions at a higher pay grade level than that held by the employee on the effective date of the RIF will remain a competitive process. Promotional decision will be made in accordance with City policy.

E. Requesting Layoff Approval

The Department Director must submit a RIF plan for approval to the City Manager and Human Resources Director at least 45 days before any anticipated RIF. This RIF plan (See Exhibit A) must contain the following information:

- The reason (s) for the RIF (e.g., mandated budget reduction, declining revenues, end of external funding, organizational restructuring, lack of work, etc.);
- The reason (s) for the RIF (e.g., mandated budget reduction, declining revenues, end of external funding, organization restructuring, lack of work, etc.);
- Positions identified for elimination;
- Length of service of the employee (s) to be laid off;
- Employment dates and performance related information on all affected employees;
- The anticipated date of separation;
- An assessment of the RIF's impact on the department's EEO profile;
- A listing of all vacant positions in the department that are the same or closely related;
- Information on the status of recruitment activity for vacant positions that are the same or closely related;
- A description of efforts made to avoid the layoff; and,
- A brief explanation of why action other than layoff is not feasible for the affected employees.

This request should be submitted to the City Manager and Human Resources Director for review and approval.

F. Notification of Affected Employees

After the RIF has been approved, the affected employee(s) must be notified in writing as soon as possible but at least 30 calendar days in advance of the layoff. Before a RIF occurs, the Human Resources Director, in coordination with the Department Director, will prepare a written notice to the employee(s) being laid off to include:

- The reason for the RIF.
- The effective date of the RIF.
- The City's recall policy.
- Information on the right to appeal the decision, if applicable.
- Any available transition support.

The Department Director and immediate supervisor shall meet with the affected employee to provide the RIF notice.

G. Recall Provisions

An employee who left the City due to a RIF can be recalled to a funded position (of equal or lower classification for which he or she is qualified) that becomes available within a year in the

department from which he or she was laid off. Laid off employees rehired by the City within one (1) year following the necessary layoff will retain all benefit eligibility accrued during the prior service period, and continuous service dates will remain the same as those prior to layoff. The City shall consider performance record; knowledge, skills and abilities; qualifications; and seniority, as well as the nature of the jobs for which the employees will be recalled.

1. Activation of Recall List: The recall list will be automatically activated on the effective date of the RIF. A person who is not placed in another City position prior to this effective date and is eligible for rehire will be placed on the City's recall list for up to twelve (12) months from the effective date of the RIF. After the recall list has expired, people on the list will be considered for employment in the same manner as other applicants.
2. Removal of Employee from Recall List: An employee may request his/her name to be removed from the recall list at any time by notifying the Human Resources Director in writing.
3. Recall List Rules for Job Placement: When the City Manager grants approval to fill a valid vacancy, a referral, if applicable, will be made from the Recall List as follows
 - If there are one or more persons on the recall list who have previously held the exact position title in the same department where the vacancy exists, the person with the greatest seniority and acceptable performance record will be offered the position.
 - If there are no former employees on the Recall List who have previously held the exact position title of the vacancy, the applicant with the most seniority on the Recall List who meets the minimum qualifications will be offered the position.
 - In cases where seniority is the same between one or more persons in the administration of this policy, the performance ratings will be used as a tie breaker to determine who gets the placement opportunity, if such evaluations are generally available city-wide and exist for applicable employees. If there are not performance ratings available for all applicable persons, or the performance ratings are the same, the job recipient will be selected by lot.
4. Recall Placement Offers: An affected employee on the Recall List who is placed at the same job title and grade level as the position previously held will receive the same compensation as that received immediately prior to the RIF. The City's Compensation and Classification Plan will govern the salary for affected employees who accept a lower grade position.

Failure of a person on the Recall List to notify the appointing authority of acceptance of a placement offer, in writing, within four (4) business days after the offer is received, will have his/her name removed from the Recall List. If within 30 days of removal from the list it can be presented to the satisfaction of the Director of Human Resources that the person was unavoidably, and without personal fault, prevented from accepting the

appointment, that name may be restored to its proper position on the recall list. Recall consideration will be automatically terminated if an employee refuses any offer for a comparable job with the City.

H. Termination under RIF

As of the effective date, employees subject to the RIF:

- Shall be terminated and shall receive payment for work performed in the current pay period and all accrued leave.
- Shall be eligible to apply to the South Carolina Economic Security Commission for unemployment benefits.
- Shall receive any longevity bonus due.
- Shall be paid any compensatory time balance.
- Shall have the option of continued health insurance coverage under COBRA, provided the employee previously had coverage through the City.
- Shall have the option to obtain counseling services from the City's Employee Assistance Program (EAP) provider. If the employee and/or a family member are currently utilizing the City's EAP provider for another issue, the employee and/or family member will be able to complete counseling sessions up to the normal session limit of eight (8). If the employee is not currently utilizing EAP but wishes to start sessions within 30 days (before or after) their RIF termination date to help deal with issues related to the loss of their job, they will be eligible for up to 8 sessions as they would have been had they continued employment with the City. The right to such EAP services shall terminate 6 months from the last day of employment.

I. RIF Roles and Responsibilities

1. Department Head:

- Prepare a RIF plan.
- Determine the number of positions to be eliminated and the number of employees to be laid off to accomplish a RIF.
- Ensure where there is more than one employee in the affected classification within a department that the determination of which employee(s) will be affected is based upon seniority, relative performance records, and any corrective disciplinary actions.
- Determine which employees can be reassigned within the department or redeployed to another.
- Identify which employees will be laid off.

- Provide that decisions concerning a RIF are examined to insure they do not disproportionately displace females and minorities where such persons are or will be underrepresented in their respective job categories in the workforce.
- Support laid off employees in pursuing other employment opportunities.
- Consult with Human Resources Director in the development of a RIF plan as needed, arrange for appropriate documentation (e.g., notification letters, transfers, demotions, recall list, benefits, etc.) to be completed for affected employees, or to terminate their employment with the City in good standing prior to the last day of funded employment.
- Provide former employee's who are on the City's recall list an opportunity to be given preferential consideration for vacancies for which they are qualified.

2. Human Resources:

- Develop and maintain procedures for accomplishing reductions in force.
- Support departments in developing their RIF plans.
- Refer and give preference to employees to be laid off in filling position vacancies in other City departments where possible.
- Provide all departments with updated recall lists and applications of affected employees to facilitate their consideration for transfer or voluntary demotion.
- Coordinate recall offers with employees who elect to be placed on a recall list.
- Maintain all documentation regarding termination, recall lists, transfers, voluntary demotions, and related demographics.
- Work with departments to ensure decisions concerning a RIF do not have an adverse impact on protected groups.

3. Affected Employee:

- Meet with current supervisor/manager immediately after receiving a RIF notification.
- Review your notification letter.
- Take advantage of any transition services (e.g., EAP, resume writing support, etc.).
- Gather performance evaluation and records of accomplishment for the most recent position.
- Review and update your resume.

- Focus time during 30-day notification period on identifying and pursuing other job opportunities.
- Make a determination whether or not to accept any reassignment or redeployment offered.

4. Hiring Supervisor/Manager:

- Interview qualified affected employees referred to your department/unit to interview for vacant positions.
- Give appropriate employment preference to affected employee who applies for any open positions.

J. Grievance Rights

Covered employees separated by a RIF shall have a right to appeal if they believe that the separation is in retaliation for a claim of alleged discrimination based on the employee's age, sex, race color, national origin, religion, or disability. A covered employee may appeal through the City's grievance procedure outlined in HR-22: Disciplinary Actions and the Appeal Process.

Reduction-in-Form (RIF) Plan: _____ Department

The *(department/division name)* requests review and endorsement of a reduction-in-force as a result of *(note specific causes or factors such as mandated budget reduction, declining revenues, end of external funding, organization restructuring, lack of work, etc.)*. The RIF will result in the abolishment of the following positions effective *(Month/Day/Year)*. *[Note: this date must be at least 30 days after HR endorsement of the RIF plan and the scheduled notification to employee(s)]*

- Position number(s), Position title(s), Pay Grade(s)
- Incumbent name(s), race, and gender
- Incumbent's time in position
- Incumbent's length of service with the City.

Before proposing this RIF, we took the following actions: *[Note specific efforts already implemented to find alternate solutions, such as cost cutting measures, imposing limits on travel, training, purchasing, abolishing vacant positions, not hiring, cutting temp or probationary appointments, etc.]*

In addition, we have reviewed current openings and are *able or unable* to identify a suitable valid vacant position for placement of the affected employee(s). We will continue to look for opportunities to avoid the separation.

The *(department/division name)* considered a number of factors in making the decision to RIF this (these) particular positions, including:

- Services that must be delivered *(include examples)*
- Functions of the position *(include examples)*
- Performance Record of and any corrective disciplinary actions taken towards the affected employees *(include recent performance review and relevant documentation)*
- Length of service of employees
- Adverse impact on demographic diversity.

(Provide sufficient detail above regarding the factors to explain and document the decision-making process)

The proposed reduction-in-force *(will or will not)* adversely affect the department's EEO profile, based on the occupational area and race/gender of the impacted employee(s). *(Provide summary of analysis that led to this determination.)*

Attachments: *City's Organizational Chart showing all positions and identifying the position(s) proposed for reduction*
Impacted employee(s) performance appraisal/and any corrective disciplinary actions